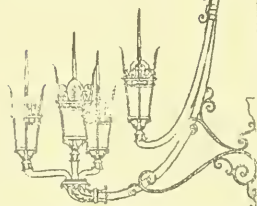


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H O M E R U L E P E T I T I O N

submitted to the

Coalition for Community Control of Development

---

by Consultants Charles Murn and Tom Webb

INTERNAL DISCUSSION DRAFT

September 30, 1988

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## EXECUTIVE SUMMARY

### of CCCD Home Rule Petition

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The Home Rule Petition proposed by the Coalition for Community Control of Development would give residents of Boston a strong and lasting voice in development decisions. The legislation allows communities to form Neighborhood Councils with authority to regulate development. It grants those Councils more than an advisory role in decisionmaking.

Councils would influence development in two ways. First, they would have the power to create, approve, and enforce master plans. These plans help determine the future of the neighborhood by specifying the type of development allowed. The Councils would enforce their plans by granting or denying many types of zoning variances -- a power they would assume from the Board of Appeals.

Besides plans, Councils would have the power to approve development projects. Without neighborhood approval, projects proposed by the Boston Redevelopment Authority (BRA) and the Public Facilities Department (PFD) would not go forward. In addition, Councils and the BRA would share approval power of urban renewal and chapter 121A (tax exempt) projects.

Before any neighborhood exercises these powers, it must draw boundaries and decide if it wants a council. Councils will only exist where a neighborhood has voted to create one. Likewise, residents would decide neighborhood boundaries through a democratic process.

Those communities in favor of creating a council would select representatives in neighborhood elections held every two years. Councilors would be elected to represent districts within the neighborhood or the community at-large. Council meetings must be well publicized and accessible to the public. Finally, the City would be required by law to fund and provide information to the councils to expedite business.

In certain instances, the power of Councils is limited so that neighborhood and City responsibilities are balanced. For example, public benefit and capital projects would not be subject to neighborhood plans or approval. Furthermore, Councils could raise but not lower affordable housing quotas set by city agencies. Overall, the proposal defines and strengthens the role of neighborhoods in making development decisions about their future.



## LEGISLATIVE SUMMARY

of the discussion draft

September 30, 1988

The Discussion Draft of the CCCD's proposed Home Rule Petition (HRP) reflects work done through the intermediate stage of the project. It expands on the outline of the HRP adopted by the CCCD. Its completion marks the beginning of the stage in which the CCCD puts the finishing touches on its legislative proposal. The final draft eventually submitted to the City Council will differ from the discussion draft.

### I. NEIGHBORHOODS AND NEIGHBORHOOD COUNCILS, Section 1 to 11

The jurisdictions created by the HRP are neighborhoods. In each neighborhood, the residents may choose to create a neighborhood council. The neighborhood council serves as the vehicle for controlling development.

#### A. Neighborhoods, Section 1

The community undertakes the initial drawing of lines between neighborhoods. In an arbitrated process, community residents first give their input at public hearings. The arbitrator determines which boundaries are disputed in the residents' testimony. The residents then have time to resolve boundary disputes among themselves. The arbitrator draws boundaries when the residents cannot reach agreement. The arbitrator must follow standards that favor commonly perceived neighborhood areas. After the initial definition of neighborhoods, the residents may change the neighborhoods in several types of referenda. An area part of a neighborhood may vote to join an adjacent neighborhood. An area may decide to become its own neighborhood. Or several neighborhoods may merge.

#### B. Creating Neighborhood Councils, Section 2

Upon petition of neighborhood residents, each neighborhood independently decides by referendum whether to create a neighborhood council. At the same time, the voters choose by which of two means neighborhood councillors are to be elected. Finally, at the same election, a districting commission is elected to draw the districts from which some neighborhood councils are to be elected and see to other details.

#### C. Drawing Districts, Section 3

The districting commission for each neighborhood consists of nine residents elected at large. The volunteer commissioners have discretion to set the number of neighborhood councillors within the range of 21 to 24. Of those, it may designate up to six as



neighborhood councillors-at-large. The rest are district neighborhood councillors. The commission draws the districts that elect them after soliciting public input. It may allow up to six councillors from a district. The commission's final choices are subject to review by the election commission.

#### **D. Neighborhood Elections, Section 4**

One of the means by which a neighborhood may choose to elect its neighborhood council is by neighborhood election. The elections occur at regular state and city elections, with half of each council elected each year. The legislation proposes procedures modelled after those applicable to City Council elections.

#### **E. Neighborhood Meetings, Section 5**

The other method that a neighborhood may choose for electing its neighborhood council consists of a neighborhood meeting. The neighborhood meeting is modelled after the type of town meetings, in which all voters of the neighborhood may participate. The districting commission prepares the initial town meeting. After that, the neighborhood council calls the meetings and sets forth procedural rules. The neighborhood meeting chooses a moderator for the following year, and the election commission limits entry to eligible voters as described below.

#### **F. Recall, Section 6**

Any neighborhood councillor may be recalled by petition of 25 percent of the number of voters in the election electing the councillor. The recall campaign must be completed within 60 days of its initiation. The election commission then holds a special election after six weeks to decide whether the councillor recalled or another candidate finishes the term.

#### **G. Dissolving Neighborhood Councils, Section 7**

The residents of a neighborhood may dissolve their neighborhood council by referendum. If a council is dissolved, its funds revert to the city, and its business is referred to appropriate city agencies and authorities.

#### **H. Other Election Provisions, Sections 8 to 11**

The election commission in its election advertising is required to undertake outreach to minorities. The commission also must hold candidate forums and publish an election newsletter. Neighborhood councillors take office on January first, for a two-year term. Election ties result in a vacancy to be filled by the duly elected councillors. Any eligible voter not a city employee or officer may be a candidate for neighborhood councillor. Petitions may be signed by anyone on the city residents list or on the voter registration list at her or his given address. Eligible voters are residents who prove residency on the more





recent of 1) proof of residence offered at the time of voting or 2) the updated city residents list. Acceptable proof of residence is either a letter or a utility bill received at the address. Any voters ballot may be contested, in which case the election commission is to ascertain the validity of the person's address before her or his vote is counted. Neighborhood council elections are subject to special acts pertaining to city elections, and subject to the Massachusetts election laws, to the extent they are consistent. However, campaign finance laws do not apply to candidates expending less than \$250 per year.

## II. POWERS OF NEIGHBORHOOD COUNCILS, Sections 12 to 47

The powers conferred on neighborhood councils under the legislation are powers currently held by city agencies or the Boston Redevelopment Authority. They are found in various special acts that form the city's charter. The legislation would amend these special acts. In each instance, the city agency or authority would continue to exercise its current powers in areas without a neighborhood council.

### A. Zoning to Control Development, Sections 13-15

The legislation gives neighborhood councils two ways to generally shape development in their neighborhood.

#### 1. Creating and Amending Zoning Maps

For general zoning purposes, the neighborhood councils alone create and amend zoning districts that make up zoning maps. In so doing, the councils rely on the Zoning Commission to define the types of zoning districts that may be created and the regulations that apply in each type. For example, the Zoning Commission may define a "R-.5" zoning district, in which no yard signs having a surface area larger than four square feet are permitted. The council then decides where, if anywhere, to place an R-.5 zoning district in its neighborhood.

#### 2. Approving Planning Districts and Plans

For planning or other special purposes, the neighborhood councils exercise power in two different ways. The first way shares authority with the Zoning Commission. The Zoning Commission may classify a type of planning overlay district that may be established, such as an IPOD. Any neighborhood council in the city could then establish an IPOD and set regulations that apply. However, the legislation provides for some overlap. The neighborhood council might require that all projects receive a permit of compliance with the plan that it has adopted for the district. But the Commission in its classification could require that all IPOD's follow this rule. In the case of conflicting rules, the Commission's rule prevails, except that all such plans, permits, variances and so on are for the neighborhood council to approve or reject. The second way for neighborhood





councils to utilize these overlay districts is unilaterally. The council could come up with its own classification, set all regulations applicable to it and establish any overlay districts of that type that it deems useful. Only if the Zoning Commission subsequently adopts the classification, as above, may other councils or the Commission establish overlay districts of that exact type.

#### **B. Zoning Appeals to Enforce Zoning, Sections 16 to 23**

After passage of zoning regulations, the Inspectional Services Department (ISD) and the Board of Appeal enforces them. Under the legislation, neighborhood councils gain authority to grant or deny appeals from certain ISD decisions. The Board of Appeals, not the neighborhood councils, continues to hear appeals concerning any aspect of public benefit and capital projects. Only those appeals concerning any one or more of height, use or floor-area ratio of allowed buildings fall within the purview of the councils. Currently, appeals are used to enforce plans in Planned Development Areas (PDA's) and other overlay districts.

#### **C. Joint Approval of Chapter 121A Projects, Sections 24 to 37**

The Boston Redevelopment Authority by special act has the power of the Executive Office of Communities and Development with regard to chapter 121A projects. Under the legislation, the BRA shares this power with neighborhood councils. The councils and BRA approve the application for a project and, where relevant, for permission to form a development corporation to undertake a chapter 121A project. Both approve relocation plans arising from use of eminent domain and changes in approved projects. The BRA alone approves the more technical specifications of projects.

#### **D. Urban Renewal Plans, Sections 38 to 40**

The BRA exercises the power of a planning board over urban renewal plans under chapter 121B of the General Laws. Under the legislation, the neighborhood councils approve any relocation plans necessitated by use of eminent domain in renewal projects. The rest of the BRA's authority from these laws is subject to only the advise of neighborhood councils, because the councils approve the plans as part of the establishment of Urban Renewal Areas. These areas are planning overlay districts covered by the councils' power to use zoning to control development.

#### **E. Public Projects, Sections 41 to 43**

Projects that the BRA or the Public Facilities Department initiate, other than public benefit or capital projects, are subject to a new procedure. Neighborhood councils approve Requests for Proposals before they utilized. The BRA or PFD then decides which developers are financially or technically unqualified. From remaining developers, the council and the agency tentatively designate a developer. The agency hammers out



the final design with the developer. The final design must be approved by the neighborhood council, before final designation and the signing of contracts may take place. Changes in projects require the approval of both the agency and the council.

#### **F. Advisory Powers, Sections 44 to 45 and Passim**

Many functions of various city agencies and authorities are subject to the advice of neighborhood councils. The agencies must notify concerned councils prior to taking certain actions, ranging from adopting capital plans to allocating CDBG money to granting licenses and so on. In addition, many decisions relating to the above powers, where council authority is restricted, are subject to council advice. For all its decisions, councils have rights to necessary information from the city.

#### **G. Ancillary Powers, Sections 46 to 47**

The councils receive powers necessary to carry out their duties under the legislation. They may receive grants and gifts, sue and be sued, close contracts, hire employees and consultants and so on. Each neighborhood council may requisition without appropriation up to \$100,000 per year from the City of Boston, and the City Council and Mayor may supplement this by appropriation. All council revenue, other than grants and gifts, goes to the city.

#### **III. RESIDENTS ADVISORY COMMITTEE, Section 48**

The legislation creates a Residents Advisory Committee made up of representatives of the neighborhood councils. Each council appoints a number of representatives in proportion to the population of its neighborhood. The Committee has only advisory powers and may provide training programs to neighborhood councillors. It may hire staff and receives a minimum appropriation of \$4,000 per sitting neighborhood council from the city.

#### **IV. PROCEDURAL AND OTHER PROVISIONS, Sections 49 to 50**

Neighborhood councils and the Residents Advisory Committee must follow open meetings and open records laws pertaining to municipalities. They must also publicize their meetings in community papers and public buildings. They must hold meetings in buildings accessible to physically handicapped persons and provide, upon notice, a language interpreter or an interpreter for deaf or hearing-impaired persons. The city assumes liability for acts of the councils and the RAC. And members of the councils and the RAC are considered special municipal employees for conflict-of-interest purposes.



HOME RULE PETITION  
for the  
COALITION FOR COMMUNITY CONTROL OF DEVELOPMENT

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DISCUSSION DRAFT: September 21, 1988

SECTION 1. There may be created in the city of Boston a neighborhood council in each of several neighborhoods designated in accordance with the provisions of this section. The term neighborhood as it is used in this act shall consist of a discrete geographic area within the city of Boston duly designated under this section.

The initial division of the city into neighborhoods shall be determined by (the divider). The divider shall hold public hearings across the city to receive testimony from community leaders and other residents. The divider shall particularly solicit opinions on the neighborhood-area maps used by the Boston Redevelopment Authority for urban renewal purposes. Prior to formulating its proposal, the divider shall identify those boundaries that are the subject of disagreement among the speakers who have given their opinions at said hearings. For each such controversial boundary, the divider shall immediately





notify all persons and community organizations requesting notification that it will accept proposals for resolution of the controversy within forty-five days of such notice. After the last of such periods for accepting proposals has expired, the divider shall formulate its proposed solution to the controversy: provided, that for every controversial boundary or part thereof that is the subject of one and only one proposal from the community, where multiple submissions shall constitute a single proposal for all portions of a boundary regarding which the submissions are materially identical, the divider shall be bound by said proposal.

The divider shall formulate its proposal with an emphasis on following physical boundaries, maximizing contiguity, preserving historic identity, grouping building characteristics, and collectivizing similar community interests. No neighborhood shall contain fewer than five thousand or more than fifty thousand inhabitants as determined from the latest available federal decennial census of the population. After holding additional public hearings on its proposal, the divider shall make its final designations of neighborhoods following the aforementioned criteria and shall publish its final report containing a map, a description using known streets and ways or other well-defined limits and the name of each neighborhood. In the event of a discrepancy between the two, the description shall supercede the map. The divider shall include every part of the city of Boston in one and only one neighborhood. The



neighborhoods mapped, described and named in said final report shall constitute those neighborhoods in which neighborhood councils may be created, until changed in accordance with the remainder of this section.

The boundaries of neighborhoods may be changed after the publication of the divider's final report only by a referendum of the residents of the affected area. The affected area subject to the referendum must contain two thousand or more inhabitants, and the change must not disregard the criteria for neighborhood designation listed in the previous paragraph. The changing of neighborhood boundaries; the creation of a new neighborhood area and of a neighborhood council therefor, the selection of a method of electing said council and election of a districting commission therefor; or the consolidation of existing neighborhoods and creation of a neighborhood council therefor, the selection of a method of electing said council and election of a districting commission therefor shall be initiated by filing with the election commission a petition signed by eligible voters of said neighborhood numbering at least five percent of the number of registered voters residing in the affected area at the filing of the petition. Such petition may consist of a number of separate sheets, but each sheet shall be in substantially the following form.

The following three paragraphs shall appear at the top of each page:

Each of the undersigned requests that (if the petition is to



change existing boundaries between neighborhoods, insert:- the question of the transfer of the affected area from the jurisdiction of the (the neighborhood currently containing the area) neighborhood council to the jurisdiction of the (the neighborhood to which the area is to be transferred) neighborhood council: if the petition is to create a new neighborhood, insert:- the questions of 1) creating the new neighborhood of (the name of the proposed area) in the affected area and creating a neighborhood council in the new neighborhood, 2) selecting the method of electing said council and 3) electing a districting commission for the new neighborhood: or if the petition is to consolidate two or more neighborhoods, insert: the questions of 1) consolidating the neighborhoods of (the names of the affected neighborhoods) into the neighborhood of (the name of the consolidated neighborhood) and creating a neighborhood council in the consolidated neighborhood, 2) selecting the method of electing said council and 3) electing a districting commission for the consolidated neighborhood) be submitted to the voters of the affected area.

Each of the undersigned certifies that he or she is a eligible voter of the affected area, whose address at the time this petition is filed is as shown below, and that he or she has not signed this petition more than once.

The affected area consists of (a description of the affected area using the names of neighborhoods or using known streets and ways or other well-defined limits).



All sheets of a petition shall require the following information to be furnished by each subscriber in accordance with the following instructions which shall be printed on each page:

Name\*

Address\*\*

.....  
 .....  
 .....

Instructions:

\*The written signature of the eligible voter is to be supplied; provided that a registered voter prevented from writing by physical disability may authorize another person to write her or his signature and address.

\*\*If the eligible voter will have a different address when this petition is filed, the address on such later date shall be used.

The election commission shall furnish forms for such petition within five days to any eligible voter of the affected area reasonably requesting them. No petition shall contain or be accompanied by any indication of party or political designation. Within ten days after the filing of the petition, the election commission shall check each name to be certified by it on the petition and shall certify thereon the number of signatures so checked which are names of eligible voters as defined in section nine of this act in the neighborhood listed in the petition. The election commission need not certify more than one hundred and forty percent of the number of names required to certify a petition, and names not certified in the first instance shall not thereafter be certified on the same petition. All referendum petitions that do not bear the required number of certifiable





names shall be invalid.

Objections to the sufficiency and validity of the signatures on any such petition as certified by the election commission shall be made within four days of such certification in the same manner as provided by section fifty-seven A of chapter four hundred and fifty-two of the acts of 1948, as amended, for objections to nominations for other city offices.

The question of the changing of neighborhood boundaries; the questions of the creation of a new neighborhood area and creation of a neighborhood council in the new neighborhood, of selecting the method of electing said council and of electing a districting commission for the new neighborhood; or the questions of the consolidation of existing neighborhoods and creation of a neighborhood council in the consolidated neighborhood, of selecting the method of electing said council and of electing a districting commission for the consolidated neighborhood, as the case may be, shall be submitted to the voters of the affected area at the first city or state election held on or after the sixtieth day following the certification of the petition. In the case of certified petitions for the creation of a new neighborhood or for the merging of existing neighborhoods, districting commission members shall be nominated in accordance with section two of this act.

The question of changing neighborhood boundaries; the questions of 1) the creation of a new neighborhood and creation of a neighborhood council in the new neighborhood, 2) selecting



the method of electing said council and 3) electing the districting commission for the new neighborhood; or the questions of 1) the consolidation of existing neighborhoods and creation of a neighborhood council in the consolidated neighborhood, 2) selecting the method of electing said council and 3) electing the districting commission for the neighborhood shall be placed on a written or printed ballot, which along with ballot labels where voting machines are used shall be prepared and paid for by the election commission. A copy of the ballot questions prepared in accordance with one of the following instructions shall be filed with the city clerk no later than the thirty-fifth day prior to the election.

a) In the case of a petition for changing the boundary between neighborhoods, the question appearing on the ballot shall be as follows:

Shall the area bounded by  
(a summary of the bounds of said  
jurisdiction using street names, etc.) be  
 transferred from the jurisdiction of the (the  
name of the existing neighborhood)  
 neighborhood council to the jurisdiction of  
 the (the name of the neighborhood to which  
the area is to be transferred) neighborhood  
 council?

ñ	ñ	ñ
ñ YES.	ñ	ñ
ñ	ñ	ñ
ñ	ñ	ñ
ñ NO.	ñ	ñ
ñ	ñ	ñ

b) In the case of a petition for creation of a new



neighborhood, the questions appearing on the ballot shall be as follows:

Shall the neighborhood of (the name of the new neighborhood) be created consisting of the area bounded by (a summary of the bounds of said jurisdiction using street names, etc.) and shall a neighborhood council be created in this neighborhood?

ñ	ñ	ñ
ñ YES.	ñ	ñ
ñ	ñ	ñ
ñ NO.	ñ	ñ
ñ	ñ	ñ

Shall the neighborhood councillors be elected by ballot or at a meeting of the neighborhood of (the name of the proposed new neighborhood)?

ñ	ñ	ñ
ñ BALLOT.	ñ	ñ
ñ	ñ	ñ
ñ MEETING.	ñ	ñ
ñ	ñ	ñ

c) In the case of a petition to consolidate two or more neighborhoods into one neighborhood, the questions appearing on the ballot shall be as follows:

Shall the neighborhoods of (the names of the affected neighborhoods) be consolidated into the neighborhood of (the name of the proposed consolidated neighborhood) and shall a neighborhood council be created in the consolidated neighborhood?

ñ	ñ	ñ
ñ YES.	ñ	ñ
ñ	ñ	ñ
ñ NO.	ñ	ñ
ñ	ñ	ñ





Shall the neighborhood councillors  
be elected by ballot or at a meeting of  
the neighborhood of (the name of  
the proposed consolidated neighborhood)?

	BALLOT.	
	MEETING.	

In the case of a petition for creation of a new neighborhood or the merging of existing neighborhoods, the ballot shall also contain the list of candidates for districting commission membership as provided in section three of this act.

If a majority of the votes cast upon the first or only question presented to the voters under clauses a), b) or c) above shall be in the affirmative, the changes in neighborhood boundaries, the creation or consolidation of neighborhoods, the creation of neighborhood councils and the selected method of electing said councils shall take effect on January first of the second year following said election.

SECTION 2. The creation of a neighborhood council in a neighborhood designated under the previous section of this act shall be initiated by filing with the election commission a petition signed by at least two hundred eligible voters of the neighborhood in neighborhoods having twenty thousand or more inhabitants or of one hundred eligible voters of the neighborhood in neighborhoods having less than twenty thousand inhabitants. Such petition may consist of a number of separate sheets, but each sheet shall be in substantially the following form.



The following paragraph shall appear at the top of each page:

Each of the undersigned requests that the questions of 1) the creation of a neighborhood council in the neighborhood of (the name of the neighborhood), 2) the method of election of that neighborhood council, and 3) the election of a districting commission for that neighborhood council be submitted to the voters of (the name of the neighborhood). Each of the undersigned certifies that he or she is an eligible voter of said neighborhood, whose address at the time this petition is filed is as shown below, and that he or she has not signed this petition more than once.

All sheets of a petition shall require the following information to be furnished by each subscriber in accordance with the following instructions which shall be printed on each page:

Name\*

Address\*\*

.....	.....
.....	.....
.....	.....

Instructions:

\*The written signature of the eligible voter is to be supplied; provided that a registered voter prevented from writing by physical disability may authorize another person to write her or his signature and address.

\*\*If an eligible voter will have a different address when this petition is filed, the address on such later date shall be used.

The election commission shall furnish forms for such petition within five days to any eligible voter of the



neighborhood reasonably requesting them. No petition shall contain or be accompanied by any indication of party or political designation. Within ten days after the filing of the petition, the election commission shall check each name to be certified by it on the petition and shall certify thereon the number of signatures so checked which are names of eligible voters in the neighborhood listed in the petition. The election commission need not certify more than one hundred and forty percent of the number of names required to certify a petition, and names not certified in the first instance shall not thereafter be certified on the same petition. All referendum petitions that do not bear the required number of certifiable names shall be invalid.

Objections to the sufficiency and validity of the signatures on any such petition as certified by the election commission shall be made within four days of such certification in the same manner as provided by section fifty-seven A of chapter four hundred and fifty-two of the acts of 1948, as amended, for objections to nominations for other city offices.

The questions of 1) the creation of a neighborhood council in the neighborhood specified in the petition, 2) the method of election of that neighborhood council, and 3) the election of a districting commission for that neighborhood council shall be submitted to the voters of the neighborhood specified in the petition at the first regular city or state election held on or after the sixtieth day following the certification of the petition. Districting commission members shall be nominated in



accordance with section three of this act.

The questions of creating a neighborhood council and the method of election of the neighborhood council shall be placed on a written or printed ballot, which along with ballot labels where voting machines are used shall be prepared and paid for by the election commission. A copy of the ballot questions prepared in accordance with the following instructions shall be filed with the city clerk no later than the thirty-fifth day prior to the election:

Shall a neighborhood council be created  
for the neighborhood of (the name of  
the appropriate jurisdiction), as bounded by  
(a summary of the bounds of said  
jurisdiction using street names, etc.)?

ñ	ñ	ñ
ñ YES.	ñ	ñ
ñ	ñ	ñ
ñ	ñ	ñ
ñ NO.	ñ	ñ
ñ	ñ	ñ

Shall the neighborhood councillors  
be elected by ballot or at a meeting of  
the neighborhood of (the name of  
the appropriate jurisdiction)?

ñ	ñ	ñ
ñ BALLOT.	ñ	ñ
ñ	ñ	ñ
ñ	ñ	ñ
ñ MEETING.	ñ	ñ
ñ	ñ	ñ

**SECTION 3.** The signatures of fifty eligible voters of the neighborhood in neighborhoods having twenty thousand or more inhabitants or of twenty-five eligible voters of the neighborhood in neighborhoods having less than twenty thousand inhabitants shall be required to nominate districting commission members. The information contained in nomination papers and the manner of signing shall be governed by the provisions of chapter four





hundred and fifty-two of the acts of 1948, as amended. The last day for filing any portion of a nomination petition shall be the thirty-fifth day prior to said election date. The manner of certifying the same shall be governed by the provisions of said chapter four hundred and fifty-two. The election commission shall check the signatures on nominating petitions within ten days of receipt thereof. The last day for filing certified nomination papers with the city clerk for members of a districting commission shall be the twenty-eighth day preceding the date for their election.

Objections to the sufficiency and validity of the signatures on any such petition as certified by the election commission shall be made within four days of such certification in the same manner as provided by section fifty-seven A of said chapter four hundred and fifty-two for objections to nominations for other city offices.

The neighborhood districting commission shall consist of nine eligible voters of the neighborhood elected at large and by official ballot, without party or political designation, at an election held in accordance with this act. The names of the candidates nominated in accordance with this section shall be placed on such ballot either 1) after the questions of creation of the neighborhood council and the method of its election, as set forth in section two of this act or 2) after the questions in either of clauses b) or c) of section one of this act, in alphabetical order, preceded by an instruction that a voter may



vote for no more than nine persons as districting commission members, regardless of how he or she votes on the preceding questions.

If a majority of the votes cast upon the first question presented to the voters under clauses (b) or (c) of section one of this act or upon the question of creating a neighborhood council under section two of this act is in the affirmative, the nine candidates receiving the highest number of votes shall be declared elected to the districting commission for the neighborhood. In the event of a tie among candidates for districting commission receiving the lowest number of votes, which, but for said tie vote, would entitle a person receiving the same to be deemed to have been elected, all persons participating in said tie vote shall be deemed to have not been elected. Any vacancies created by such failure to elect shall be filled by the duly elected members of the districting commission at its first meeting by electing an eligible voter of the neighborhood by majority vote.

A duly elected districting commission shall organize within **forty-five** days by electing from among its members a chairperson, a vice-chairperson and a clerk and by filing notice of such organization with the city clerk. If such notice is not filed, the city clerk shall immediately call a meeting of the commission for this purpose. In the event of any vacancy due to death, resignation or change of residence outside the neighborhood, unsuccessful candidates in the districting commission in order of



votes received beginning with the candidate receiving the highest vote total shall have the opportunity to serve for the duration of the districting commission's existence. If no such candidate accepts the office, the remaining members of the districting commission shall fill the office by electing an eligible voter of the neighborhood by majority. Districting commissioners shall serve without compensation, but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the performance of their duties.

The city shall provide each districting commission, free of charge, with clerical assistance and reasonable access to facilities for holding public hearings. Each commission may consult with and obtain advice and information from city officers and employees during ordinary working hours. Within thirty days after the election of a districting commission, the city treasurer shall credit to the account of the districting commission, with or without appropriation, the sum of five hundred dollars. The city may appropriate additional funds for any districting commission in an amount not to exceed two thousand dollars.

The districting commission shall have the power to determine the number of members a newly created neighborhood council shall consist of. A neighborhood council shall consist of at least twenty-one but no more than twenty-four members. Up to six members of a neighborhood council may be elected at large from the neighborhood, with the remainder elected from districts



electing no more than six neighborhood councillors each. The districting commission shall have power to draw the boundaries of such districts, which shall where possible follow the center lines of known streets and ways or other well-defined limits. The districting commission shall establish districts for its jurisdiction that do not dilute the representation on the neighborhood council of the race and national-origin minorities consisting of persons black, latino, asian or native-american. No district shall contain more than ten percent more inhabitants per neighborhood council representative than any other district in that neighborhood, whereby the number of inhabitants is that determined from the latest available federal decennial census of the population. The districting commission shall cause such districts to be depicted on maps.

Each districting commission may adopt rules governing the conduct of its meetings and proceedings. Each districting commission shall hold its public hearings in its neighborhood at a time and place advertised in city and neighborhood newspapers and posted in municipal buildings in the neighborhood at least ten days in advance of the hearing date.

Prior to preparing any proposal concerning the neighborhood council for its jurisdiction, the districting commission shall hold at least one public hearing. Within five months of its election, the districting commission shall prepare a preliminary report including the proposed structure of the neighborhood council, a map of the proposed districts which are to elect





neighborhood councillors, and, where appropriate, the date, time, place, convenor, by-laws and agenda of the first neighborhood meeting. The districting commission shall cause such report to be published and distributed within its jurisdiction. Within four weeks after such publication, the districting commission shall hold the first of one or more public hearings on the report. Within seven months of its election, the districting commission shall submit its final report to the election commission, in which the districting commission shall set forth the structure of the neighborhood council, a map of the districts from which neighborhood council members are elected, the number of members elected from each district, which members shall be elected in which election year, and, where appropriate, the date, time, place, convenor, by-laws and agenda of the first neighborhood meeting.

The election commission shall within thirty days check the districting commission's report for conformance with this act and, upon a finding of conformance, shall certify the report and provide for the election of a neighborhood council at the next city or state election or at the designated neighborhood meeting; provided, however, that the election commission shall not otherwise withhold its approval of the report. If the election commission finds that any part of the report conflicts with this act, the election commission shall return it to the districting commission for its revision and resubmission to the election commission.



Only the neighborhood council may redraw the districts created by the neighborhood's districting commission. The neighborhood council shall redraw the districts once by January first of the second year commencing after the date of the federal decennial census of the population using the criteria applicable to the districting commission's initial drawing of districts. The election commission shall certify the required equivalency of inhabitants contained in the districts.

Original jurisdiction is hereby vested in the supreme judicial court upon petition of a eligible voter of the neighborhood filed with the clerk of said court for judicial relief relative tot he districts drawn by the districting councils and the neighborhood councils.

SECTION 4. If a majority of the votes cast upon the question of the method by which neighborhood councillors are to be elected is in favor of BALLOT, the members of neighborhood council in that neighborhood shall be elected by official ballot at the next regular city or state election in accordance with the provisions of this section.

Any person qualified under section nine of this act to be nominated for election to the neighborhood council in her or his neighborhood may seek such nomination by obtaining, signing and filing a petition for such nomination as provided in this section.

A nomination petition shall be issued only to a person



subscribing after the tenth Tuesday and before the sixth Tuesday preceding the election in a book kept for that purpose by the election commission, a statement of candidacy in substantially the following form:

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

NEIGHBORHOOD OF (name of the neighborhood)

STATEMENT OF CANDIDACY

I, (name with first or middle name in full), under the penalty of perjury declare that I reside at (street and number, if any) in the neighborhood of (name of neighborhood) in the City of Boston; that I am qualified to vote for a candidate for the office hereinafter mentioned; that I am a candidate for nomination for the office of (Neighborhood Councillor representing Neighborhood District (number) or Neighborhood Councillor-at-Large) for said Neighborhood; and that I request that my name be printed as such candidate on the official ballot to be used at the (municipal or state) election to be held on Tuesday, , 19 , for the purpose of electing candidates to such office.

---

Signature of Candidate

A nomination petition shall be issued by the election commission not later than twelve o'clock noon on the fifth day after the subscription of a statement of candidacy, except that no such



petition shall be issued before the ninth Tuesday preceding the election. A nomination petition shall not relate to more than one candidate nor to more than one office.

A nomination petition may consist of one or more sheets, but each sheet shall be in the form specified for nomination petitions for other municipal offices in section fifty-five A of chapter four hundred fifty-two of the acts of nineteen hundred and forty-eight, as amended, except that the first three paragraphs shall be replaced with the following two paragraphs:

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

NEIGHBORHOOD OF (name of the neighborhood)

NOMINATION PETITION

Whereas (name of candidate) residing at (street and number, if any) in the Neighborhood of (name of the neighborhood) of the City of Boston is a candidate for the office of (Neighborhood Councillor-at-Large or District Neighborhood Councillor), the undersigned, duly qualified to vote for a candidate for said office, do hereby request that the name of said (name of candidate) as a candidate for said office be printed on the official ballot to be used at the (municipal or state) election to be held on Tuesday,                      , 19     .

Each of the undersigned does hereby certify that he or she has not subscribed (if the petition relates to the office of Neighborhood Councillor-at-Large, here insert: - more than (the number of Councillors-at-Large in the jurisdiction less one))





other nomination petitions for said office: if the petition relates to the office of neighborhood councillor from a district electing one councillor, here insert: - any other nomination petition for said office: if the petition relates to the office of neighborhood councillor from a district electing two or more councillors, here insert: more than (the number of district neighborhood councillors from the district less one) other petition(s) for said office).

No nomination petition sheet shall be received or be valid unless prepared and issued by the election commission; nor shall any such sheet be received or be valid unless the written acceptance of the candidate thereby nominated is endorsed thereon, notwithstanding any provision of section three A of chapter fifty of the General Laws to the contrary.

The nomination petition shall be signed, in the case of a candidate for neighborhood councillor from a district, by at least twenty-five residents of the district qualified to vote for such candidate or, in the case of a neighborhood councillor-at-large, by at least one hundred residents of the neighborhood qualified to vote for such candidate. The signing and filing of nomination petitions shall be governed by the provisions of section fifty-six of said chapter four hundred and fifty-two, as amended. The election commission shall certify the nomination petitions in accordance with section fifty-seven of said chapter four hundred and fifty-two, except that qualification of subscribers shall be determined by the provisions of section nine



of this act.

Objections to the sufficiency and validity of the signatures on any such petition as certified by the election commission shall be made within four days of such certification in the same manner as provided by section fifty-seven A of said chapter four hundred and fifty-two for objections to nominations in preliminary elections for other city offices.

On the first day other than a legal holiday or Saturday or Sunday following the final disposition of any objections filed, the election commission shall post in a conspicuous place in the city hall and in at least one public building in the neighborhood the names, residences and neighborhood districts of candidates for neighborhood councillor. As soon as possible thereafter, the election commission shall prepare the ballots in accordance with section fifty-eight of said chapter four hundred and fifty-two, except that they shall list only each candidate's name, address and neighborhood district, if any. At every election, each voter shall be entitled to vote for not more than the number of candidates for neighborhood councillor-at-large as may be elected to such office in that neighborhood, in no case more than six, and for not more than the number of candidates for district neighborhood councillor as may be elected in the voter's district, in no case more than six. On the ballots and voting machine ballot labels for use at each of said elections, there shall, as a direction to the voter, be printed in capital letters, near the title of each office to be voted for, the words



"VOTE FOR (here insert in words the number of candidates specified in this section with respect to such office)". The election commission shall determine the order of names on the ballot for each office in the manner described in section fifty-nine of said chapter four hundred and fifty-two, as amended. The provisions of sections sixty-three and sixty-four of said chapter four hundred and fifty-two, as amended, shall apply to the ballots used in neighborhood council elections.

The election commission shall determine the results of the election in accordance with section sixty of said chapter four hundred and fifty-two, as amended.

SECTION 5. If a majority of the votes cast upon the question of the method by which neighborhood councillors are to be elected is in favor of MEETING, the neighborhood council shall be elected by official ballot at a meeting of the neighborhood in accordance with the provisions of this section. A neighborhood council may pass by-laws and adopt a parliamentary authority, subject to the provisions of this act, for the regulation of the proceedings at neighborhood meetings. Such by-laws shall be approved and published in the manner prescribed by section thirty-two of chapter forty of the General Laws. Where the neighborhood council has not adopted such by-laws, the relevant provisions of the districting commission's final report shall govern the meeting's proceedings.

Every neighborhood meeting shall be called pursuant to a



warrant under the hands of the neighborhood council or, where no neighborhood council has yet been constituted, under the hands of the districting commission. The warrant shall state the time and place of the neighborhood meeting, the orders of business and a description of the neighborhood council election to be held at it. Notice of the warrant shall be given in the manner described in section eight of this act.

A neighborhood meeting may be held in September, October or November, unless the neighborhood council determines otherwise by by-law, and shall be held on a weekend day. The neighborhood meeting may be held at more than one place; provided, that if it is held at more than one place, the places are connected by means of a public address system and loudspeakers so that the proceedings in all such places may be heard and participated in by all the voters present therein. Whenever the moderator determines that voters are being excluded from the town meeting because there is no room for them in the places provided or that voters in attendance are being deprived of the opportunity to participate therein for any reason whatsoever, he or she shall adjourn the meeting to another date not later than fourteen days following the date of said meeting, when places and facilities sufficient to accommodate all voters attending and to enable them to participate therein shall be available.

At the first neighborhood meeting after the creation of a neighborhood council, the convenor selected by the districting commission, and at all subsequent meetings, the moderator elected





at the previous regular neighborhood meeting shall convene and preside over the meeting until the election of her or his successor. If the elected moderator is absent, the chairperson of the neighborhood council or, where the neighborhood council has not yet been elected, the chairperson of the districting commission shall convene the neighborhood meeting and preside over the election of a moderator. The moderator shall have the powers and duties assigned to moderators of town meetings under the first paragraph of section fifteen and section seventeen of chapter thirty-nine of the General Laws.

The clerk of the neighborhood council or, where the neighborhood council has not yet chosen a clerk, a person appointed by the moderator or convenor, shall record the proceedings in accordance with the provisions of chapter sixty-six of the General Laws.

The orders of business for the neighborhood meeting shall be as follows:

- 1) Call to Order
- 2) Election of Moderator
- 3) Election of Neighborhood Councillors
- 4) Adjournment

The neighborhood meeting shall not entertain other orders of business except as may specially be necessary to consideration of these orders of business.

Only persons presenting identification and the proof of eligibility to vote for candidates for neighborhood councillor



required by section nine of this act shall be admitted to the neighborhood meeting and be permitted to vote thereat. The moderator shall receive the vote of every person so qualified on any question on which that person has the right to vote under this act.

SECTION 6. Any neighborhood councillor may be recalled after the first six months of the term for which the councillor is elected by petition filed with the election commission. A petition for recall of a neighborhood councillor shall be signed by eligible voters of the neighborhood, in the case of neighborhood councillors-at-large, or of the district, in the case of district neighborhood councillors, equal to at least twenty-five percent of the vote cast in the last election for the office of the councillor being recalled.

An eligible voter of the neighborhood councillor's neighborhood or district, as the case may be, may initiate a recall petition by registering with the election commission her or his intent to circulate such petition against the specified neighborhood councillor. Within five days of such registration, the election commission shall determine the number of signatures required for the petition and shall furnish forms for the petition to the petitioner or her or his designee. The election commission shall check each name on each sheet of the petition filed with the election commission within sixty days of said registration and shall certify thereon the number of signatures



which are names of eligible voters as defined in section nine of this act in the neighborhood or district, as the case may be. The election commission need not certify more than one hundred and forty percent of the number of names required to certify a petition, and names not certified in the first instance shall not thereafter be certified on the same petition. All recall petitions that do not bear the required number of certifiable names shall be invalid.

Objections to the sufficiency and validity of the signatures on any such petition as certified by the election commission shall be made within four days of such certification in the same manner as provided by section fifty-seven A of said chapter four hundred and fifty-two for objections to nominations for other city offices.

The election of said office shall be submitted to the voters of the neighborhood or district from which the recalled councillor was elected at a special election on the sixth Tuesday following certification of the petition or, if said Tuesday is a legal holiday, the first day after said Tuesday that is not a legal holiday. Nomination petitions may be issued after the certification of the petition and must be filed by the third Tuesday after said certification. The provisions of this act governing the nomination and election of neighborhood councillors shall apply to recall elections where not inconsistent with this section. The candidate receiving the highest number of votes in the recall election shall serve out the remainder of the term. A



neighborhood councillor may be the subject of only one recall election during each term of office.

SECTION 7. The dissolution of a neighborhood council under this act shall be initiated by filing with the election commission a petition signed by at least two hundred eligible voters of the neighborhood in neighborhoods having twenty thousand or more inhabitants or by at least one hundred eligible voters of the neighborhood in neighborhoods having less than twenty thousand inhabitants. Such petition may consist of a number of separate sheets, but each sheet shall be in substantially the following form.

The following paragraph shall appear at the top of each page:

Each of the undersigned requests that the question of the dissolution of the neighborhood council in the neighborhood of (the name of the neighborhood) be submitted to the voters of (the name of the neighborhood). Each of the undersigned certifies that he or she is an eligible voter of said neighborhood, whose address at the time this petition is filed is as shown below, and that he or she has not signed this petition more than once.

All petitions shall require the following information to be furnished by each subscriber in accordance with the following instructions which shall be printed on each page:

Name\*

Address\*\*

.....





.....  
 .....  
 Instructions:

\*The written signature of the eligible voter is to be supplied; provided that an eligible voter prevented from writing by physical disability may authorize another person to write her or his signature and address.

\*\*If the eligible voter will have a different address when this petition is filed, the address on such later date shall be used.

The election commission shall furnish forms for such petition within five days to any eligible voter of the neighborhood reasonably requesting the same. No petition shall contain or be accompanied by any indication of party or political designation. Within ten days after the filing of the petition, the election commission shall check each name to be certified by it on the petition and shall certify thereon the number of signatures so checked which are names of eligible voters as defined by section nine of this act in the neighborhood listed in the petition. The election commission need not certify more than one hundred and forty percent of the number of names required to certify a petition, and names not certified in the first instance shall **not** thereafter be certified on the same petition. All referendum petitions that do not bear two hundred certifiable names shall be invalid.

Objections to the sufficiency and validity of the signatures on any such petition as certified by the election commission shall be made within four days of such certification in the same manner as provided by section fifty-seven A of said chapter four



hundred and fifty-two for objections to nominations for other city offices.

The question of the dissolution of the neighborhood council in the neighborhood specified in the petition shall be submitted to the voters of the neighborhood at the first regular city or state election held on or after the sixtieth day following the certification of the petition.

The question of dissolving a neighborhood council shall be placed on a written or printed ballot, which along with ballot labels where voting machines are used shall be prepared and paid for by the election commission. A copy of the ballot question prepared in accordance with the following instructions shall be filed with the city clerk no later than the thirty-fifth day prior to the election:

Shall the neighborhood council for the  
neighborhood of (insert the name of the  
appropriate jurisdiction) be  
dissolved?

ñ	ñ	ñ
ñ YES.	ñ	ñ
ñ	ñ	ñ
ñ	ñ	ñ
ñ NO.	ñ	ñ
ñ	ñ	ñ

If a majority of the votes cast upon the question of dissolving a neighborhood council is in the affirmative, the neighborhood council shall be dissolved as of the following January first. All monies remaining in the neighborhood council's account shall revert to the city's general fund. All matters pending before the neighborhood council requiring its approval shall be referred as of said January first to the



respective municipal agency or authority for disposition.

SECTION 8. The election commission shall publicize the fact of the availability of nomination petitions for elections under this act by advertising in community newspapers, posting notices in municipal buildings in the neighborhood and on its official bulletin board and by undertaking aggressive outreach to encourage prospective candidates from race and national-origin minorities consisting of persons black, latino, asian and native-american.

In each neighborhood prior to each election or neighborhood meeting, the election commission shall hold public forums for all certified candidates at the district and at-large levels and shall publish an election newsletter, distribute it to the neighborhood and give each candidate equal opportunity to have a statement published in it.

Whether the election is by ballot or at a neighborhood meeting, the number of persons who may be elected to the office of neighborhood councillor-at-large or, in each district, to the office of district neighborhood councillor receiving the highest number of votes shall be deemed elected to said office. If the election for neighborhood councillor-at-large or for district neighborhood councillor in any district results in a tie vote among candidates receiving the lowest number of votes, which, but for said tie vote, would entitle a person receiving the same to be deemed elected, all persons participating in said tie vote



shall be deemed to have not been elected to said office. Any vacancies created by such failure to elect shall be filled by the duly elected members of the neighborhood council by electing an eligible voter of the neighborhood to such office by majority vote.

SECTION 9. Except for municipal officers and employees, any person who is qualified to vote in a neighborhood council election under this section may be nominated for election to the neighborhood council in her or his neighborhood in accordance with the provisions of this act.

Any resident of the neighborhood, district or affected area, as the case may be, may sign a petition for a referendum or of nomination for office; provided, that such residence is contained in the list of residents or, if there is no address for the person on the list of residents, to the list of registered voters. The provisions of section fifty-six of said chapter four hundred and fifty-two concerning multiple instances of the same name on a petition and concerning the appearance of a person's name on more petitions for a given office than the number of persons who may be elected to such office shall apply to any petitions filed with the election commission under this act.

Only persons 18 years of age or older who are residents, as determined according to the provisions of this section, of the city are eligible to vote on questions of changing neighborhood boundaries and of creating or consolidating neighborhoods where





her or his residence is located within the affected area, on questions of creating, of selecting a means of electing and of dissolving a neighborhood council in her or his neighborhood, on the election of a districting commission for her or his neighborhood, on the election of neighborhood councillors-at-large in her or his neighborhood, on the election of the neighborhood councillor or councillors from her or his district and on all orders of business arising at a meeting of her or his neighborhood. The election commission shall require identification and proof of residency at the poll or entrance to the neighborhood meeting. The strongest proof of residency shall be the more recent of a) a letter, or a bill from the water, energy or telecommunications utility serving the address bearing the person's name and address and the postmark of the United States Postal Service or b) the residents list for the neighborhood bearing an address for the person; provided, that the ballot of a voter whose residence is evidenced by a letter or a utility bill shall automatically be considered and treated as a contested ballot. If neither of these sources is present, then an address on a voter registration list for the neighborhood may provide conclusive proof of a person's address. The election commission shall administer an oath to each voter whose proof of residence consists solely of said letter or utility bill that said voter attests under the penalty of perjury that said residence is true and correct.

Any eligible voter of the neighborhood may challenge the



eligibility of any voter at the poll or the entrance to the neighborhood meeting. The election commission shall administer an oath to the changer that the challenger attests under penalty of perjury to the validity of her or his evidence against the voter. The election commission shall then determine the preponderance of the evidence. The ballot of each voter whose residency in the neighborhood or district is so judged to be in doubt shall be enclosed in an envelope bearing the challenger's and the voter's name and address and held by the election commission until such time as uncontested ballots have been counted. At that time, the election commission shall determine whether any voter voted more than once in the neighborhood by checking contested ballots against the names of those who voted and shall not count any contested ballot of all voters who voted more than once. The election commission shall then determine whether the number of remaining contested ballots is equal to or greater than the margin of decision on any question or election voted on. If this condition prevails, the election commission shall check the address given for each contested ballot in accordance with section eleven of chapter twenty-nine of the acts of nineteen hundred and seventeen, place the name of verified residents on the residents list and count into the vote totals those ballots cast by such verified residents of the neighborhood and district.

SECTION 10. Duly elected neighborhood councillors shall



take office on the first day of January following their election and shall serve for a two-year term. No person may serve as district neighborhood councillor or as neighborhood councillor-at-large for more than two consecutive terms.

The neighborhood council shall fill vacancies among its membership by electing by majority vote any candidate eligible for such office under the previous section; provided, that the council shall give notice as for a public hearing at least four weeks prior to the election and shall send notice to all candidates unsuccessful in the previous election for such office.

SECTION 11. Except where contrary to the provisions of this act, all special acts governing elections for other municipal offices in the city of Boston shall apply to any election held pursuant to this act. Except where contrary to the provisions of this act and all special acts governing elections for other municipal offices in the city of Boston, chapters fifty through fifty-seven, inclusive, of the General Laws shall apply to any election held pursuant to this act, except that section eighteen of chapter fifty-five of the General Laws shall not apply in a given year to candidates, as defined in section one of said chapter fifty-five, who incur expenditures not exceeding two hundred and fifty dollars in that year. Any violation of the election provisions of sections one through ten, inclusive, of this act shall constitute a violation of the special acts governing elections for other municipal offices in the city of Boston.



SECTION 12. For the purposes of this act and the special acts amended thereby, the neighborhood council having jurisdiction shall mean any neighborhood council in whose neighborhood the property subject to said acts, or any part thereof, is physically located.

SECTION 13. Section 2 of chapter 665 of the acts of 1956, as most recently amended by section 1 of chapter 77 of the acts of 1958, is hereby further amended by striking out the first two paragraphs and inserting in place thereof the following paragraphs:-

For the purpose of promoting the health, safety, convenience, morals or welfare of its inhabitants, the city of Boston may, by a zoning regulation adopted by its zoning commission or one of its neighborhood councils, as the case may be, regulate and restrict the height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, agriculture, residence or other purposes; provided, that use of land for a municipal purpose shall not be permitted in any district in which dwellings are permitted except that where, at the time of the adoption of a zoning regulation or amendment permitting dwellings in a district, a particular parcel





of land in such district is used for a particular municipal purpose, use of such land for such purpose may be allowed to continue, and except, further, that use of a particular parcel of land for a municipal purpose in a district where dwellings are permitted may be allowed by special order of the zoning commission adopted after like report, notice and hearing, and in like manner and with like approval as a zoning regulation or amendment if notice of the hearing thereon is also sent by mail, postage prepaid, to the owners of all abutting property and also to the owners of such other property as may be deemed by the zoning commission to be especially affected by such order, as they appear on the then most recent local tax list.

For any or all such purposes, the neighborhood council having jurisdiction or, where no neighborhood council has jurisdiction, the zoning commission may enact zoning regulations that divide the city into zoning districts of such number, shape and area as it may deem best suited to carry out the purposes of this act. The zoning commission shall adopt regulations classifying the types of zoning districts with which the city may be divided and, for each type of zoning district, may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings and structures, or use of land, and may prohibit noxious trades within any or all classes of zoning districts.

The neighborhood council having jurisdiction or, where no neighborhood council has jurisdiction, the zoning commission may



also enact zoning regulations that establish overlay districts of such number, shape and area as may be deemed best suited to carry out any planning or other special purpose. Each neighborhood council and the zoning commission may regulate and restrict within overlay districts in its jurisdiction any of those types of activities that may be regulated and restricted within zoning districts; provided, that the neighborhood councils may not adopt any such regulations that are contrary to zoning regulations classifying an overlay district classified by the zoning commission. The zoning commission or any neighborhood council may adopt zoning regulations, in a form specified by the zoning commission, classifying types of overlay districts that may be established; provided, that any overlay district classified by a neighborhood council shall apply only to the neighborhood of that neighborhood council which classified it, unless the zoning commission has subsequently adopted the classification for city-wide application, in which case the zoning commission shall have sole authority to amend such classification; and provided, further, that classifications by the zoning commission shall not restrict the sole authority of a neighborhood council having jurisdiction to regulate and restrict activities in overlay districts within its neighborhood, whether by creating special zoning designations, requiring permits, allowing exceptions, adopting or enforcing plans or such other means as is necessary to the regulation and restriction. Where its provisions conflict with those of a zoning district, the provisions of the overlay



district shall govern, except that no provision of any zoning regulation applicable to an overlay district, but not approved by the zoning commission, shall change the provisions of the underlying zoning district regarding uses for public benefit and capital projects.

For all districts by whomsoever classified and regulated, the regulations and restrictions shall be uniform for each class or kind of use, throughout the district, but the regulations and restrictions in one district may differ from those in other districts. Due regard shall be paid to the characteristics of the different parts of the city, and the regulations and restrictions shall be the same for zones, districts or streets having substantially the same character.

SECTION 14. Said chapter 665 is further amended by striking section 3, as most recently amended by section 1 of chapter 193 of the acts of 1966, and inserting in place thereof the following section:-

Section 3. A zoning regulation may be adopted and from time to time amended by alteration, addition or repeal, but only in the manner hereinafter provided. No zoning regulation originally establishing the boundaries of a district or the regulations and restrictions to be enforced therein, and no such regulation amending the same as aforesaid, shall be adopted until the Boston Redevelopment Authority shall have submitted a report with recommendations concerning such regulation or amendment or



allowed twenty days to elapse after receipt from the zoning commission or neighborhood council, as the case may be, of a request for such a report without making such a report, nor until after the zoning commission or neighborhood council, as the case may be, shall have given notice and held a public hearing with respect to such regulation or amendment. Such notice shall be published at least ten days prior to such hearing in one or more newspapers of general circulation in the city of Boston, and shall (a) refer to this act, (b) give the time and place of the public hearing, and (c) either state the express terms of the proposed regulation or amendment, or state the general subject thereof and the times when and the place where a copy of the express terms thereof may be obtained. Such notice shall also be sent by mail, postage prepaid, to any person filing written request for notice of hearings, such request to be renewed yearly in December. Such public hearing by the zoning commission shall be attended by not less than six of the members of the zoning commission; and if less than six members are present at any public hearing, the members actually present may adjourn the same by proclamation to such time and place as they deem advisable, and further notice thereof shall not be necessary. Such public hearing by a neighborhood council, if attended by less than a quorum of council members, may be adjourned by the members actually present by proclamation to such time and place as they deem advisable, and further notice thereof shall not be necessary. After such notice and hearing the zoning commission,





by the concurrent vote of not less than seven of its members, may adopt or reject the proposed regulation or amendment, or may adopt a regulation or amendment in substantial accord with the proposed regulation or amendment. Votes of the zoning commission adopting a zoning regulation or amendment thereof shall be subject to the same provisions of law in respect to approval by the mayor as orders or votes of the city council of the city, except that the concurrent vote of not less than nine members of the zoning commission shall be necessary to pass such a regulation or amendment over the veto of the mayor.

Any owner of property may petition the zoning commission or neighborhood council having jurisdiction, as the case may be, to adopt an amendment of a zoning regulation which would affect her or his property, but shall not be entitled to have her or his proposed amendment considered by the commission or council unless he or she pays the city such sum, if any, as may from time to time be established by the zoning regulation as the estimated average cost to the city of a hearing on a proposed amendment of the zoning regulation.

**SECTION 15.** Section 5 of said chapter 665 is hereby amended by inserting after the word "commission", in line 4, the words:-  
or neighborhood council.

**SECTION 16.** Section 8 of said chapter 665 is further amended by striking the second paragraph, as appearing in section



66 of chapter 802 of the acts of 1972, and inserting in place thereof the following paragraph:-

Any board or officer of the city or any person aggrieved by reason of being refused a permit by any administrative official under the provisions of the state building code or by reason of any order or decision of the building commissioner or other administrative official in violation of any provision of the state building code may appeal to said board of appeals. Any board or officer of the city or any person aggrieved by reason of any order or decision of the building commissioner or other administrative official in violation of any provision of the zoning regulations or amendment thereof under the state building code may appeal to the neighborhood council having jurisdiction or; where no neighborhood council has jurisdiction, where the appeal is from an order or decision that was not based on regulations governing any of use, height, or floor-area ratio, or where the appeal concerns a public benefit or capital project; to said board of appeals. Any such appeal must be filed with the board or officer from whose refusal, order, or decision the appeal is taken within forty-five days after the respective refusal, order, or decision as a notice of appeal specifying the grounds thereof along with payment to the building commissioner of a fee of such sum as the city council with the approval of the mayor may from time to time prescribe. Such board or officer shall forthwith transmit to said board of appeal or neighborhood council, as such board or officer shall determine in conformity



with this act, such notice of appeal and all documents and papers constituting the record of the case in which the appeal is taken.

SECTION 17. Said section 8, as amended by section 66 of said chapter 802, is further amended by striking the third paragraph and inserting in place thereof the following paragraph:-

Said board of appeal or neighborhood council, as the case may be, shall fix a reasonable time for the hearing of any appeal and give public notice thereof in a newspaper of general circulation in the city, and also send notice by mail, postage prepaid, to the appellant and to the owners of all property deemed by said board of appeal or neighborhood council to be affected thereby, as they appear on the then most recent local tax list and to any person filing written request for notice of hearings, such request to be renewed yearly in December, to the Boston Redevelopment Authority and, in the case of the board of appeals, to the neighborhood council having jurisdiction. At the hearing any party whether entitled to notice thereof or not may appear in person or by agent or attorney. No such hearing shall be held on any day on which a state or municipal election, preliminary election or primary is held in said city.

SECTION 18. The fourth paragraph of said section 8 is hereby amended by inserting after the words "board of appeal", in line 1, the words:- or neighborhood council, as the case may be.



SECTION 19. Said section 8 is further amended by striking the fifth paragraph and inserting in place thereof the following paragraph:-

Said board of appeal and neighborhood councils shall cause to be made a detailed record of all their proceedings, which record shall set forth the reasons for their decisions, the vote of each member participating therein, and the absence of a member or her or his failure to vote. Such record, immediately following the board's or council's final decision, shall be filed in the office of the building commissioner of the city and shall be open to public inspection, and notice of such decision shall be mailed forthwith to each party in interest as aforesaid, to the Boston Redevelopment Authority, to every person present at the hearing who requests that notice be sent to her or him and states the address to which such notice is to be sent and, in the case of the board of appeals, to the neighborhood council having jurisdiction.

SECTION 20. Said chapter 665 is further amended by striking section 9 and inserting in place thereof the following section:-

Section 9. Upon an appeal from the refusal of the building commissioner or other administrative official to issue a permit under this act or under a zoning regulation as adopted and amended under this act, the neighborhood council having jurisdiction or, where no neighborhood council has jurisdiction,





where the appeal does not seek a variance in regulations governing any of use, height or floor-area ratio, or where the appeal requests a variance for a public benefit or capital project, said board of appeal may authorize with respect to a particular parcel of land or to an existing building thereon a variance from the terms of such zoning regulation where, owing to conditions especially affecting such parcel or such building, but not affecting generally the district in which it is located, a literal enforcement of the provisions of such zoning regulation would involve substantial hardship to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of such zoning regulation, but not otherwise; provided, that where a neighborhood council has jurisdiction and where the appeal does not seek a variance from any regulation governing any of use, height, or floor-area ratio, said board in its order on such appeal may not grant a variance from any regulation governing any of use, height or floor-area ratio; and provided, further, that where a neighborhood council has jurisdiction and where the appeal requests a variance from a public benefit or capital project, said board in its order on such appeal shall condition any grant of a variance upon the actual use of the parcel for the public benefit or capital project specified in the appeal. In authorizing such variance, said neighborhood council or board may impose limitations both of time and of user, and a continuation



of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time thereafter.

SECTION 21. Section 10 of said chapter 665 is hereby amended by striking the third sentence and inserting in place thereof the following sentence:- If exceptions are so provided for, the neighborhood council having jurisdiction or, where no neighborhood council has jurisdiction, where the appeal does not seek an exception to regulations governing any of use, height, or floor-area ratio, or where the appeal requests an exception for a public benefit or capital project, said board of appeal may, subject to appropriate conditions and safeguards, allow such an exception upon an appeal from the refusal of the building commissioner or other administrative official to issue a permit under this act or under a zoning regulation or amendment thereof adopted under this act; provided, that where a neighborhood council has jurisdiction and where the appeal does not seek an exception to any regulation governing any of use, height, or floor-area ratio, said board in its order on such appeal may not grant an exception to any regulation governing any of use, height, or floor-area ratio; and provided further, that where a neighborhood council has jurisdiction and where the appeal requests an exception for a public benefit or capital project, said board in its order on such appeal shall condition any grant of any exception upon the actual use of the parcel for the public benefit or capital project specified in the appeal.



SECTION 22. Section 11 of said chapter 665, as amended by section 1 of chapter 669 of the acts of 1974, is further amended by striking the first and second paragraphs and inserting in place thereof the following paragraphs:-

Any person aggrieved by a decision of said board of appeal or by a decision of a neighborhood council on an appeal, whether or not previously a party to the proceedings, or any municipal board or officer, may appeal to the superior court sitting in equity for the county of Suffolk or, in the event that said decision is concerned with any building or place used, or intended or permitted for use, as a place of human habitation, to the housing court of the city of Boston; provided that such appeal is filed in either of said courts within fifteen days after such decision is recorded. Every person so appealing shall file a bond with sufficient surety, to be approved by the court, for such a sum as shall be fixed by the court, to indemnify and save harmless the person or persons in whose favor the decision was rendered from all damages and costs which the person or persons may sustain in case the decision of said board or council is affirmed. Upon an appeal under this section, the court shall hear all pertinent evidence and determine the facts, and, upon the facts as so determined, annul such decision if found to exceed the authority of such board or council, or make such other decree as justice and equity may require. The foregoing remedy shall be exclusive; but the parties shall have all rights of



appeal and exception as in other equity cases.

Costs shall not be allowed against said board of appeal or neighborhood council unless it shall appear to the court that the board or council in making the decision appealed from acted with gross negligence, in bad faith or with malice; and costs shall not be allowed against the party appealing from the decision of the board or council unless it shall appear to the court that said party acted in bad faith or with malice in appealing to the court.

SECTION 23. Where a neighborhood council has jurisdiction, the provisions of the ninth paragraph of section thirteen of chapter six hundred and fifty-two of the acts of 1960, as amended, and, except as applied to public benefit and capital projects, the provisions of paragraph E of section four of chapter six hundred and forty-two of the acts of 1966 shall be without force and effect.

SECTION 24. The first paragraph of section 12 of chapter 652 of the acts of 1960 is hereby amended by inserting at the end of the first sentence the words:- and provided further, that the authority shall give the neighborhood council having jurisdiction thirty days notice, or such other notice to which the council consents, prior to approval of a project or any approval action under said sections seven, eleven, fifteen, sixteen, eighteen B or eighteen D, during which time the authority may not take such





action under said sections, unless the council makes its recommendations for the authority to consider in its decision; and provided, further, that the authority's approval of any changes in an approved project under said sections eleven or eighteen B or of the holding of a project free from all restrictions and limitations imposed by said chapter one hundred and twenty-one A and without any of the powers, rights, privileges, benefits and exemptions thereby conferred, pursuant to section sixteen A of said chapter one hundred and twenty-one A, shall be subject to approval by the neighborhood council having jurisdiction.

SECTION 25. The first paragraph of section 13 of said chapter 552, as appearing in section 2 of chapter 859 of the acts of 1965, is further amended by striking the first sentence and inserting in place thereof the sentence:- Persons intending to associate themselves by written agreement of association with intent to form a corporation under chapter one hundred and twenty-one A of the General Laws for the purpose of undertaking and carrying out under said chapter a project in Boston before so associating themselves, or an insurance company, savings bank or group of savings banks intending to carry out under said chapter a project in Boston, or individuals, or associations of individuals in the form of joint ventures, partnerships, limited partnerships or trusts intending to undertake under said chapter a project in Boston, before undertaking such project, shall



submit to the Boston Redevelopment Authority and the neighborhood council having jurisdiction an application for their approval of such project and for the authority's consent to the formation of such corporation, if any.

SECTION 26. The second paragraph of said section 13, as so appearing, is further amended by striking the word "it", in line 5, and inserting in place thereof the following words:- and whenever a neighborhood council is asked to approve an application for a project or for formation of a corporation, the authority or council.

SECTION 27. The third paragraph of said section 13, as so appearing, is hereby further amended by inserting after the word "authority". in line 1, the words:- or council.

SECTION 28. Said section 13 is hereby amended by striking the fourth paragraph, as so appearing, and inserting in place thereof the following paragraph:-

If the carrying out of the project will involve the destruction or rehabilitation of buildings occupied in whole or in part as dwellings, the authority and the neighborhood council having jurisdiction shall also determine whether or not there is a feasible method for the temporary relocation of families displaced from the project area and whether or not there are, or are being provided, in the project area or in other areas not



generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families displaced from the project area. decent, safe and sanitary dwellings equal in number to the number of, and available to, such displaced families and reasonably accessible to their places of employment; and unless they find that there is such a feasible method and that such dwellings exist or are being provided, they shall not approve the project.

SECTION 29. The fifth paragraph of said section 13, as so appearing, is hereby amended by inserting after the word "authority", in line 3, the words:- and council.

SECTION 30. Said section 13 is further amended by striking out the sixth and seventh paragraphs, as so appearing, and inserting in place thereof the following paragraphs:-

The authority and neighborhood council having jurisdiction each shall prepare, adopt and make open to public inspection a report approving or disapproving the application and setting forth their reasons for approval or disapproval. If the authority or council disapproves the application, it may suggest changes in the application, in the project, or in the plans thereof, which if adopted, would meet its objections. If the persons intending to associate as aforesaid or an insurance company, savings bank or group of savings banks, or a charitable corporation organized under chapter one hundred and eighty of the



General Laws intending to carry out a project in Boston determine to proceed in accordance with the changes suggested, they shall amend their application accordingly. If the proposed change is not a fundamental one, the authority and council may approve or disapprove the application as amended without further hearing or report; otherwise, the authority and council shall proceed as if it were a new application.

Whenever the authority approves an application, it shall make and embody in its report reasonable rules and regulations setting minimum standards for the financing, construction, maintenance and management of such project insofar as the same are not specified in and are not inconsistent with the application for the approval thereof; provided, that the authority shall give the neighborhood council having jurisdiction thirty days notice, or such other notice to which the council consents, prior to approving such rules and regulations, during which time the authority may not take such action, unless the council makes its recommendations for the authority to consider in its decision.

SECTION 31. The eighth paragraph of said section 13, as so appearing, is hereby amended by inserting after the word "application", in line 2, the words:- and after the neighborhood council having jurisdiction has approved the application.

SECTION 32. The eleventh paragraph of said section 13, as





so appearing, is hereby amended by adding the words:- ;  
provided, that the authority shall give the neighborhood council  
having jurisdiction thirty days notice, or such other notice to  
which the council consents, prior to any such declaration, during  
which time the authority may not take such action, unless the  
council makes its recommendations for the authority to consider  
in its decision.

SECTION 33. Said section 13, as so appearing, is further  
amended by striking the twelfth paragraph and inserting in place  
thereof the following paragraph:-

After approval of a project by the authority and  
neighborhood council having jurisdiction, the corporation,  
insurance company, savings bank or group of savings banks,  
individuals or associations, carrying out such project may apply  
to the authority and said neighborhood council for leave to  
change the type and character of the buildings on such project;  
and the authority and said neighborhood council may grant such  
application unless in their opinion the proposed change is a  
fundamental one, in which case the authority and council shall  
proceed as if such application to change were an application for  
the original approval of the project.

SECTION 34. The thirteenth paragraph of said section 13, as  
so appearing, is hereby amended by inserting after the word  
"authority", in lines 1, 2, and 9, the words:- or council.



SECTION 35. Said chapter 652 is further amended by striking section 13A, as most recently amended by section 6 of chapter 421 of the acts of 1966, and inserting in place thereof the following section:-

Section 13A. Three or more persons wishing to associate themselves by written agreement of association, in a form furnished or approved by the commissioner of corporations and taxation, and individuals, and associations of individuals in the form of joint ventures, partnerships, limited partnerships or trusts resident or organized in the commonwealth, or a charitable corporation organized under chapter one hundred and eighty of the General Laws may apply to the Boston Redevelopment Authority and the neighborhood council having jurisdiction for their approval of the acquisition of a project which has been authorized and approved and which has been developed or is being developed in accordance with the provisions of the foregoing section, or for the purpose of acquiring any severable portion of such project. The application shall specify the project or portion thereof which it is proposed to acquire, the terms upon which the same is to be acquired, and the amount of capital which it is intended to raise. If it is proposed that any changes in the project be made, the application shall include such information concerning the proposed changes that the authority and neighborhood council shall require. If the authority and the neighborhood council determine that such persons or associations appear to have the



ability requisite to perform the obligations and carry out the duties imposed by chapter one hundred and twenty-one A of the General Laws with respect to the project, and if they determine that none of the proposed changes, if any, in the project are fundamental, they shall approve the application and the authority shall issue a certificate that it approves the application. The agreement of association, if any, shall not be presented to the state secretary for filing, nor shall he or she file it, unless it is accompanied by such certificate. If any changes in the project are proposed in the application, and if the authority and the neighborhood council determine that any such changes are fundamental, they shall proceed as if such application to change were an application for the original approval of the project. Any person receiving approval under this section shall have all of the powers, rights, privileges, benefits and exemptions and shall be subject to all the duties of a corporation organized under chapter one hundred and twenty-one A of the General Laws; provided, however, that the periods of forty years set forth in sections ten and sixteen shall be computed from the date of organization of the corporation which initiated the project regardless of any default upon the part of such corporation which initiated such project.

SECTION 36. Section 14 of said chapter 652 is hereby amended by inserting after the word "that", in line 14, the words:- the authority in performing said duties shall give



thirty days notice, or such other notice to which the neighborhood council consents, to the council having jurisdiction prior to exercising said power with respect to these projects, during which time the authority may not take such action, unless the council makes its recommendations for the authority to consider in its decision.

SECTION 37. Any contract executed by the city of Boston by authority of section six A of chapter one hundred twenty-one A of the General Laws shall also be filed with the neighborhood council having jurisdiction. Within thirty days after the contract is filed with the council, the neighborhood council having jurisdiction may petition the superior court sitting in Suffolk County for declaratory judgment nullifying any provisions of any such contract that are not in accordance with the provisions of the application for the project as approved by the council.

SECTION 38. The second paragraph of section 12 of chapter 652 of the acts of 1960 is hereby amended by striking the first sentence and inserting in place thereof the sentences:- The authority shall further have the powers and perform the duties from time to time conferred or imposed on planning boards of cities in Massachusetts by section seventy of chapter forty-one of the General Laws and by other general laws applicable to Boston. For the purposes of section forty-eight of chapter one





hundred twenty-one B of the General Laws, the authority in performing the duties of a planning board with respect to urban renewal plans or changes therein shall give thirty days notice, or such other notice to which the council consents, to the neighborhood council having jurisdiction prior to making any determination required by said section, during which time the authority may not take such action, unless the council makes its recommendations for the authority to consider in its decision.

SECTION 39. Upon deciding to consider making any determination or to consider preparing any plan under the provisions of clauses (a), (b), or (c) of section forty-six of said chapter one hundred twenty-one B, the authority shall immediately give notice to the neighborhood council having jurisdiction of such intention to consider such action. The authority shall not take the action until at least thirty days after the neighborhood council has been so notified.

SECTION 40. Notwithstanding any contrary provision of the General Laws or special statutes, the neighborhood council having jurisdiction shall have the power to approve, in addition to any other approval as may be required, any relocation plan under chapter seventy-nine A of the General Laws necessitated by the taking of any property by eminent domain by the authority under clause (d) of section eleven and section forty-seven of said chapter one hundred twenty-one B. The authority shall not take



property by eminent domain under said clause (d) of said section eleven and said section forty-seven, and shall not take action under clause (e) of said section eleven not part of an approved project, without giving the neighborhood council having jurisdiction thirty days notice, or such other notice to which the council consents, of such action, during which time the authority may not take such action, unless the council makes its recommendations for the authority to consider in its decision.

SECTION 41. For the purposes of sections forty-one to forty-five of this act, the following definitions shall apply:

a) municipal agency: any agency, board, bureau, commission, council, department, division, institution, office, or tribunal or other instrumentality of the city of Boston that acquires, holds, leases, develops or sells land or buildings for the city, including the Boston Redevelopment Authority, the Public Facilities Department and the Real Property Department, which municipal agencies shall not dispose of publicly owned property except in accordance with this act, notwithstanding the provisions of clause (d) of section eleven of chapter one hundred twenty-one B of the General Laws, section twelve of chapter six hundred and forty-two of the acts of nineteen hundred and sixty-six, section three of chapter four hundred and thirty-four of the acts of nineteen hundred and forty-three, or of other statutes authorizing any municipal agency to acquire publicly owned property; provided, that where the approval of the mayor is



otherwise required, the term municipal agency shall include the mayor;

b) project: the erection or extension of any structure or part thereof, or the change of use of any structure or land, for which a building or use permit is required, except for any such activities subject to the duties, powers and responsibilities of chapter one hundred twenty-one A of the General Laws, and, further, except for public benefit and capital projects;

c) publicly owned property: cleared land or abandoned buildings in the possession of any municipal agency;

d) request for proposal: solicitation of project proposals that may outline any of the development concept and use, density design, and affordability guidelines for a project, except that the affordability guidelines shall comply with or specify a greater percentage of affordable units as than required and defined by the municipal agency's policy on affordable housing.

SECTION 42. Upon obtaining title and possession of publicly owned property, every municipal agency shall immediately notify the neighborhood council having jurisdiction thereof. At least thirty days, or such other time to which the council consents, prior to determining or changing the municipal purpose for which publicly owned property is held, or acquiring by purchase, holding, leasing or selling publicly owned property other than for the purpose of undertaking or causing the undertaking of a project, a municipal agency shall notify the neighborhood council



having jurisdiction, during which time the agency may not take such action, unless the council makes its recommendations for the agency to consider in its decision.

SECTION 43. Notwithstanding the provisions of clause (d) of section forty-six of said chapter one hundred and twenty-one B, sections thirty-one, thirty-one A and thirty-one B of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, clause (b) of section eleven of chapter six hundred and forty-three of the acts of nineteen hundred and eighty-three, or any other statute authorizing any municipal agency to undertake or cause the undertaking of a project on publicly owned property, no municipal agency shall either lease or sell publicly owned property for the purpose of causing the undertaking of a project, or undertake a project on publicly owned property except in accordance with the provisions of this section; provided, that where a state board or department has authority to promulgate regulations governing such leasing, sale or project, such regulations may deviate from the provisions of this section except so as to reduce the authority of neighborhood councils; and provided, further, that municipal agencies where otherwise authorized may adopt rules and regulations in conformity with this section.

a) At least thirty days, or such other time to which the council consents, prior to deciding to lease, sell or develop publicly owned property, every municipal agency shall notify the





neighborhood council having jurisdiction, during which time the agency may not take such action, unless the council makes its recommendations for the agency to consider in its decision.

b) In the case of a project initiated by the agency, a municipal agency shall prepare and approve a request for proposals, which shall not be made public in final form until the neighborhood council having jurisdiction has approved it.

c) After the receipt of proposals for an agency-initiated project or of a privately initiated proposal or proposals, the municipal agency shall reject those proposals that do not evidence the technical qualifications and financial resources to undertake the project as described in the request for proposals. Thereafter, the municipal agency and the neighborhood council having jurisdiction may tentatively designate one or more remaining proposals to receive further consideration. The agency, and any public body specially designated by law, shall consider in their review of any design elements of any such project or projects recommendations of the council submitted within a reasonable time after such tentative designation.

d) After completion of the design or subject to approval of the completed design for the project, the municipal agency and the neighborhood council having jurisdiction may give final designation or approval to one of the remaining projects. Thereafter, the municipal agency may prepare in conformity with the final design and execute any contracts, after review by the council within a reasonable time after their preparation.



necessary to the leasing or sale of or undertaking of the finally designated project on the publicly owned property.

e) Any changes in the project as approved and contracted for shall require the approval of the municipal agency and of the neighborhood council having jurisdiction.

SECTION 44. At least thirty days, or such other time to which the neighborhood council consents, prior to initiating or taking any action under the following powers and authorizing statutes, the respective municipal agency shall notify the neighborhood council having jurisdiction, during which time the agency may not take such action, unless the neighborhood council makes its recommendations for the agency to consider in its decision:

a) the delivery of services, including but not limited to services performed by the Public Works, Parks and Recreation, Inspectional Services, Transportation, Police, Fire, and Public Facilities Departments;

b) adoption or revision of capital plans and development of public buildings by the Public Facilities Department under sections three and four of chapter six hundred and forty-two of the acts of nineteen hundred and sixty-six;

c) allocation of community development block grants by the Public Facilities Department pursuant to subpart D of part five hundred and seventy of title twenty-four of the Code of Federal Regulations, or any comparable federal program;



d) approval, renewal, revocation, change or transfer a license by the Licensing Board, whether under chapter one hundred and thirty-eight of the General Laws or section four of chapter two hundred and ninety-one of the acts of nineteen hundred and six, as amended;

e) adoption or revision of traffic plans by the transportation department under section two of chapter two hundred and sixty-three of the acts of nineteen hundred and twenty-nine, as amended;

f) designation of a location for and developing other public benefit projects; and

g) taking by eminent domain, whether under section thirty-one of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, clause (a) of section one of chapter four hundred seventy-four of the acts of nineteen hundred and forty-six, or chapters seventy-nine and eighty A of the General Laws, or approval of a relocation plan under chapter seventy-nine A of the General Laws by the city of Boston.

SECTION 45. Notwithstanding any provision of the General Laws or special statutes, neighborhood councils shall have access upon reasonable request to information from the respective municipal agency necessary to formulating every decision and recommendation that the neighborhood councils have the authority to make under this act. Such information shall include but not be limited to data, studies, surveys, reports, contracts,



proposals, specifications, or such other material as the municipal agency deems appropriate. In all cases, neighborhood councils shall follow the determination of the municipal agency providing the information as to whether or not the information constitutes a public record under clause twenty-six of section seven of chapter four of the General Laws.

Every municipal agency, to which a neighborhood council has the right under this act to give recommendations within a specified time period on particular decisions, shall give great weight to the recommendations in making its decision. Such municipal agency shall provide to said neighborhood council within ten days of such decision a written description of its reasons for any substantial deviation in its decision from such recommendations.

SECTION 46. In addition to any general or specific powers granted in this act, each neighborhood council shall have authority to:

a) accept grants, gifts and other aid from the federal government or any agency thereof, the commonwealth or any agency, authority, division or subdivision thereof, or any charitable foundation, private corporation or individual and, notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws or the provisions of section two of chapter four hundred and thirty-four of the acts of 1909, as amended, to expend the same without appropriation; provided, that





nothing herein shall be construed so as to enable a neighborhood council to undertake development projects;

b) sue and be sued, including to bring suit against other municipal agencies and governmental bodies;

c) conduct investigations, make studies, surveys and plans, undertake theoretical and empirical research, and disseminate information relative to community development and any other matter deemed by it to be material in connection with any of its powers and duties under this act;

d) execute all contracts, including contracts for office space, and do all other things necessary or convenient for the exercise of its powers and performance of its duties under this act; and

e) delegate any of its powers to any other department, officer, board, commission or authority of the city.

SECTION 47. Notwithstanding the provisions of municipal ordinances or the provisions of chapter four hundred eighteen of the acts of eighteen hundred and ninety, as amended, each neighborhood council may employ and remove such clerks, stenographers, office employees, interpreters for deaf or hearing-impaired persons, language interpreters, urban planners, and legal counsel as it may deem necessary, and, notwithstanding the provisions of section two of chapter four hundred and thirty four of the acts of nineteen hundred and nine, as amended, the expense thereof and all incidental expenses incurred by each



neighborhood council in the performance of its duties and the exercise of its powers under this act shall be paid by the city of Boston upon requisition of the neighborhood council; provided, that the annual expenditures of each neighborhood council may not exceed one hundred thousand dollars without appropriation of a greater amount for an individual neighborhood council by the city council and mayor. All fees and revenue collected by neighborhood councils, except those received in accordance with clause a) of section forty-six of this act, shall be paid into the treasury of the city. The provisions of chapter thirty-one of the General Laws shall not apply to employees of neighborhood councils. Each neighborhood council may fix the compensation of its employees and may delegate any of its authority under this section to its employees.

SECTION 48. There shall be in the city of Boston a Residents Advisory Committee, hereinafter referred to as the committee. Notwithstanding the provisions of section fourteen of chapter four hundred eighty-six of the acts of nineteen hundred and nine, as amended, of chapter four hundred eighteen of the acts of eighteen hundred and ninety, or of any other special act, the committee shall consist of representatives appointed and removed for cause by neighborhood councils in the city. The election commission shall determine the number of representatives each neighborhood council may appoint to the committee immediately upon creation of the first neighborhood council under



this act and thereafter by January first of the second year commencing after the date of the federal decennial census of the population. The number of representatives shall be determined by dividing the population of each neighborhood by ten thousand, rounding the fraction to the nearest integer, with the fraction one-half being rounded to the higher integer; provided, that each neighborhood council shall appoint at least one representative. Members of the committee shall serve without compensation and for a term of one year beginning March first.

The committee shall have power to:

a) organize educational and technical training programs for members of neighborhood councils in the city;

b) facilitate communication and negotiations between neighborhood councils and municipal agencies, and among neighborhood councils;

c) request master and general plans for the city from the Boston Redevelopment Authority;

d) make recommendations, after receiving thirty days notice thereof, on the adoption of city-wide plans for public benefit projects;

e) monitor and report to the mayor and city council on neighborhood compliance with the provisions and fulfillment of the goals of this act; and

f) represent the neighborhood councils to the city council, the mayor, the General Court and the governor on matters affecting the neighborhood councils' powers and responsibilities.



Notwithstanding the provisions of municipal ordinances or the provisions of said chapter four hundred and eighteen, the committee may employ and remove clerks, stenographers, office employees, interpreters for deaf or hearing-impaired persons, language interpreters and urban planners as it may deem necessary. Chapter thirty-one of the General Laws shall not apply to the employees appointed by the committee. The committee shall submit at the start of the annual city budget process its request for an appropriation to the city council and mayor, who shall adopt or reduce it within sixty days after it is filed with the city clerk; provided, that if the city council and mayor fail to so act, the requested appropriation shall be in effect as if formally adopted by the city council and approved by the mayor, and further provided, that the city council and mayor shall appropriate to the committee no less than four thousand dollars per neighborhood council appointing representatives to the committee.

SECTION 49. As the first order of business at its first meeting each year, each neighborhood council and the committee shall elect from its members a chairperson, a vice-chairperson and a clerk for a term of one year, and shall consider, as its second order of business, its by-laws. Each neighborhood council and the committee shall adopt rules of procedure for exercising its authority, subject to specific requirements of this act and of sections twenty-three A, twenty-three B and twenty-three C of





chapter thirty-nine of the General Laws. At the her or his convenience, the mayor or her or his designee may attend and address any meeting of a neighborhood council or the committee.

The clerk of each neighborhood council and of the committee shall cause notices of meetings and hearings, including of hearings held pursuant to section eight of chapter six hundred and sixty-five of the acts of nineteen hundred and fifty-six, to be published in community newspapers and shall post them on the neighborhood council's or the committee's official bulletin board and in municipal buildings in the neighborhood or in the city, as the case may be, at least ten days in advance of the meeting or hearing. The clerk of each neighborhood council and of the committee shall cause notice and agenda of such meetings and hearings to be sent by mail, postage prepaid, to any person filing written request for such agenda, such request to be renewed annually in January, to the mayor, to the local city councillor, to the Public Facilities Department and to the Boston Redevelopment Authority. Meetings of the neighborhood councils and of the committee shall be held in buildings accessible to physically handicapped persons, as specified in the regulations adopted pursuant to section thirteen A of chapter twenty-two of the General Laws. If a resident of the neighborhood or of the city, as the case may be, so requests at least one week prior to the meeting, the neighborhood council or the committee shall provide a qualified interpreter for deaf or hearing-impaired persons, as defined in section ninety-two A of chapter two



hundred and twenty-one of the General Laws, or an appropriate language interpreter, as defined in section one of chapter two hundred and twenty-one C of the General Laws, at its meeting. If a neighborhood council or the committee fails to meet the requirements of this paragraph, it may not take any action at such meeting or hearing, but may by proclamation adjourn to another reasonable time and place, at which time and place it may proceed with the meeting or hearing if it has subsequently rectified said failure.

The records of neighborhood councils and of the committee shall be subject to section ten of chapter sixty-six of the General Laws to the extent that they are public records, as defined in clause twenty-six of section seven of chapter four of the General Laws.

SECTION 50. The neighborhood councils and the committee shall not be subject to the supervision or control of any officer or board, except as provided by this act. For the purposes of chapter two hundred fifty-eight of the General Laws, the city of Boston shall constitute the public employer of the members and employees of neighborhood councils and of the committee. For the purposes of chapter two hundred sixty-eight A of the General Laws, the members and employees of neighborhood councils and of the committee shall be considered special municipal employees of the city of Boston, and the mayor shall be considered the official responsible for the appointment of neighborhood



councillors and committee members.



## A p p e n d i x A

### Notes

- \* n.c. = Neighborhood Councils
- \* z.c. = Zoning Commission
- \* z.b.a. = Zoning Board of Appeal
- \* pb/c projects = public benefit and capital projects

### Explanations:

#### \* zoning versus overlay districts

In Boston's zoning code regulations, there is a distinction made between zoning districts and overlay districts. The former comprises underlying zoning, the latter is a special planning device that supercedes underlying zoning. Overlay districts have come into vogue with the IPOD, but Urban Renewal districts and Planned Development Areas are also examples of the overlay districts. Since zoning districts are for citywide application, we left the power to define them with the Zoning Commission. Likewise, since overlay districts can be the best vehicle for neighborhood planning, we give primary control of them to the neighborhood councils.

#### \* classify, regulate, and map

All zoning can be divided into two categories: text and maps. The text can be further broken down into classifications and regulations. This latter distinction is made informally in the City's Zoning Code. The power to classify is intended to mean the process of defining zoning categories and labelling them with letters and numbers, e.g. R-5 means a residential district with a Floor Area Ratio of point five. The power to regulate is intended to mean the process of adding rules to the classifications, such as conditional uses where small retail markets might be allowed in a district zoned residential. Finally, the power to establish (or map) involves dividing up an area (e.g. neighborhood), and assigning the classifications and regulations to it. The distinction between classifying and regulating is deliberately ambiguous in the draft. The reason for this is to allow the steering committee to consider the whole scheme before finalizing it.





## A p p e n d i x B

## Z O N I N G R E G U L A T I O N S

## Z O N I N G D I S T R I C T S

power	authority exercising power
* to classify	z.c. with n.c. advice
* to regulate	z.c. with n.c. advice
* to divide/map	n.c. in its area/z.c. in areas without councils

## O V E R L A Y D I S T R I C T S

power	authority exercising power
* to classify	z.c. for city-wide use and n.c. for use in its own neighborhood
* to regulate	n.c. using its classifications or using z.c.'s classifications
* to divide/map	n.c. using its classifications or using z.c.'s classifications

LIMITATION: n.c. may not regulate pb/c projects



## Appendix C

## ZONING APPEALS

TYPE OF APPEAL	AUTHORITY deciding appeal
* use, height and FAR	n.c. hears all of any appeal involving any use, height and FAR  (exception: z.b.a. hears appeals for pb/c projects, but they must condition the variance for use only as a pb/c project; in other words, the variance may not be used for a non pb/c project.)
* other	z.b.a. hears all of any other appeal that does not involve use, height and FAR .... and n.c. advises

## Explanation:

\* exceptions, variances, and errors in decisions of the building commissioner

The Zoning Board of Appeals hears three types of cases. Two are for relief from zoning regulations, the third is an appeal claiming an error was made by the building commissioner in reading the building specifications and/or Code. Of the first two types, exceptions are easier to get than variances. Exceptions are built into zoning regulations, but variances are special cases and have strict time and use limitations on them. Frequently, a developer will appeal to the ZBA using all three approaches to getting relief from the Code.



## A p p e n d i x D

## C H A P T E R 1 2 1 - A P R O J E C T S

STEPS	BRA	NEIGHBORHOOD COUNCIL
† application	approves	approves
† relocation plan	approves	approves
* other non-application	approves	approves
* zoning deviations	(see zoning appeals)	
* contracts	approves	approves
* changes	approves	approves
* escape 121-A provisions	approves	approves
† other details	approves	approves



## A p p e n d i x E

## U R B A N R E N E W A L

## NOTE:

The BRA, as the City's Urban Renewal agency, has the authority to undertake urban renewal plans and projects as described in the process on the top half of the page. As well, it can be described on the bottom half of the page.

STEPS IN URBAN RENEWAL	BRA	NEIGHBORHOOD COUNCILS
* initiate plan	approves	advises
* zoning amendments	advises (see zoning regulations)	approves
+ project initiation and design	(see land disposition)	
+ zoning deviations	(see zoning appeals)	
URBAN RENEWAL POWERS	BRA	NEIGHBORHOOD COUNCILS
* relocation and displacement plans	approves	approves
* other powers, e.g.	approves	advises
- master plans		
- eminent domain		
- demolition		
- clearance		
- etc.		





## A p p e n d i x F

## P R O P E R T Y D I S P O S I T I O N

## NOT FOR DEVELOPMENT

STEPS	NEIGHBORHOOD COUNCIL ROLE
* Acquisition	n.c. advises after notification
* Disposition	n.c. advises after notification

## FOR PROJECT DEVELOPMENT

STEPS	Authority that initiates	
	PUBLIC	PRIVATE
* Initiation	n.c. and agency	developer
* Request for Proposal (RFP)	n.c. and agency w/ affordability clause	not applicable
* Tentative designation	n.c. and agency after screening	
* Design Review	agency and Design Commission with n.c. advice	
* Final designation	n.c. and agency	
* Changes	n.c. and agency	









